

By the Committee on Agriculture; and Senator Siplin

575-02173-12

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 20.14, F.S.;
4 establishing the Division of Food, Nutrition, and
5 Wellness within the department; amending s. 253.002,
6 F.S.; requiring the department to perform certain
7 staff duties and functions for the Board of Trustees
8 of the Internal Improvement Trust Fund related to
9 conservation easements; amending s. 379.2523, F.S.;
10 deleting references to the Aquaculture Interagency
11 Coordinating Council to conform to the repeal by the
12 act of provisions creating the council; amending s.
13 379.2524, F.S.; deleting provisions that prohibit
14 compensation and authorize per diem and travel
15 expenses for members of the Sturgeon Production
16 Working Group; amending s. 388.161, F.S.; revising the
17 substances that mosquito control districts are
18 authorized to use for controlling mosquito breeding;
19 amending s. 388.201, F.S.; revising the date by which
20 mosquito control districts must submit their certified
21 budgets for approval by the department; amending s.
22 388.323, F.S.; revising procedures for a county's or
23 mosquito control district's disposal of certain
24 surplus equipment; repealing s. 388.42, F.S., relating
25 to the John A. Mulrennan, Sr., Arthropod Research
26 Laboratory; amending s. 388.46, F.S.; revising the
27 membership and responsibilities of the Florida
28 Coordinating Council on Mosquito Control; revising the
29 duties of the council's Subcommittee on Managed

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30 Marshes; amending s. 493.6104, F.S.; deleting
31 provisions that prohibit compensation and authorize
32 per diem and travel expenses for members of the
33 Private Investigation, Recovery, and Security Advisory
34 Council; amending s. 500.09, F.S.; authorizing the
35 department to adopt rules incorporating by reference
36 the federal model Food Code; amending ss. 500.147 and
37 502.014, F.S.; deleting provisions for a food safety
38 pilot program and a permitting program for persons who
39 test milk or milk products; amending s. 502.053, F.S.;
40 deleting requirements for milkfat tester licenses;
41 amending s. 570.0705, F.S.; prohibiting members of
42 certain advisory bodies from receiving per diem or
43 travel expenses except under certain circumstances;
44 deleting a provision that prohibits members from
45 receiving compensation for their services; repealing
46 s. 570.071, F.S., relating to the Florida Agricultural
47 Exposition and the receipt and expenditure of funds
48 for the exposition; amending s. 570.074, F.S.;
49 renaming and revising the policy jurisdiction of the
50 department's Office of Energy and Water; amending s.
51 570.18, F.S.; conforming cross-references; repealing
52 s. 570.29, F.S., relating to divisions of the
53 Department of Agriculture and Consumer Services;
54 repealing s. 570.34, F.S., relating to the Plant
55 Industry Technical Council; creating s. 570.451, F.S.;
56 creating the Agricultural Feed, Seed, and Fertilizer
57 Advisory Council; providing for the council's powers
58 and duties and the appointment of council members;

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59 amending ss. 570.53 and 570.54, F.S.; conforming
60 cross-references; amending s. 573.112, F.S.; providing
61 that members of the Citrus Research and Development
62 Foundation's board of directors are entitled to
63 reimbursement for per diem and travel expenses;
64 amending s. 573.118, F.S.; revising requirements for
65 the accounting and review of collections and
66 expenditures from agricultural commodity marketing
67 order assessments; deleting requirements for the audit
68 of such accounts; amending s. 576.045, F.S.; revising
69 the expiration dates of certain provisions regulating
70 fertilizers containing nitrogen or phosphorous;
71 amending s. 576.071, F.S.; deleting a reference to the
72 Fertilizer Technical Council to conform to the repeal
73 by the act of provisions creating the council;
74 repealing ss. 576.091 and 578.30, F.S., relating to
75 the Fertilizer Technical Council and Seed Technical
76 Council; amending s. 580.041, F.S.; revising the
77 reporting requirements and penalties for violations by
78 distributors of commercial feed; amending s. 580.131,
79 F.S.; revising requirements for the assessment of
80 penalties and enforcement of violations by
81 manufacturers and distributors of commercial feed or
82 feedstuff; authorizing the department to assess
83 penalties; requiring registered distributors of
84 commercial feed to pay such penalties to consumers
85 within a specified period; imposing additional
86 penalties for nonpayment; providing for the deposit
87 and use of certain funds paid to the department;

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88 repealing s. 580.151, F.S., relating to the Commercial
89 Feed Technical Council; amending s. 581.011, F.S.;
90 conforming provisions; amending s. 581.145, F.S.;
91 revising requirements for the issuance of permits to
92 aquaculture producers for the transport and sale of
93 water hyacinths to other states and countries;
94 amending s. 582.06, F.S.; revising requirements for
95 the composition and appointment of members of the Soil
96 and Water Conservation Council and the reimbursement
97 of members for per diem and travel expenses; amending
98 ss. 582.20 and 582.29, F.S.; revising the geographic
99 jurisdiction of soil and water conservation districts
100 to include certain territory outside of the districts'
101 boundaries; amending s. 582.30, F.S.; revising
102 requirements and procedures for the dissolution or
103 discontinuance of soil and water conservation
104 districts; revising notice requirements for such
105 proposed dissolution or discontinuance; amending s.
106 582.31, F.S.; revising requirements for payment of the
107 proceeds from the sale of property of a dissolving
108 soil and water conservation district to the State
109 Treasury; repealing s. 585.155, F.S., relating to the
110 inspection and vaccination of cattle for brucellosis;
111 repealing s. 589.03, F.S., relating to the
112 compensation and reimbursement for per diem and travel
113 expenses of members of the Florida Forestry Council;
114 amending s. 589.19, F.S.; renaming the "Wounded
115 Warrior Special Hunt Areas" of the state forests;
116 conforming obsolete references to the former Division

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117 of Forestry; amending s. 589.277, F.S.; revising
118 requirements for the deposit of contributions for tree
119 planting programs; conforming obsolete references to
120 the former Division of Forestry; amending s. 590.02,
121 F.S.; specifying that state and local government
122 agencies other than the Florida Forest Service may not
123 enforce regulations of broadcast burning or
124 agricultural and silvicultural pile burning except
125 under certain circumstances; conforming obsolete
126 references to the former Division of Forestry;
127 amending ss. 597.0021 and 597.003, F.S.; deleting
128 references to the Aquaculture Interagency Coordinating
129 Council to conform to the repeal by the act of
130 provisions creating the council; amending s. 597.004,
131 F.S.; authorizing the waiver of aquaculture
132 registration fees for certain schools; amending s.
133 597.005, F.S.; revising the composition of the
134 Aquaculture Review Council to conform to the repeal by
135 the act of provisions creating the Aquaculture
136 Interagency Coordinating Council; revising the
137 legislative committees to whom the Aquaculture Review
138 Council must provide analyses of unresolved industry
139 issues; repealing s. 597.006, F.S., relating to the
140 Aquaculture Interagency Coordinating Council; amending
141 s. 616.252, F.S.; providing for the reimbursement of
142 members of the Florida State Fair Authority for per
143 diem and travel expenses; providing an effective date.

144

145 Be It Enacted by the Legislature of the State of Florida:

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146

147 Section 1. Paragraph (m) is added to subsection (2) of
148 section 20.14, Florida Statutes, to read:

149 20.14 Department of Agriculture and Consumer Services.—
150 There is created a Department of Agriculture and Consumer
151 Services.

152 (2) The following divisions of the Department of
153 Agriculture and Consumer Services are established:

154 (m) Food, Nutrition, and Wellness.

155 Section 2. Subsection (1) of section 253.002, Florida
156 Statutes, is amended to read:

157 253.002 Department of Environmental Protection, water
158 management districts, Fish and Wildlife Conservation Commission,
159 and Department of Agriculture and Consumer Services; duties with
160 respect to state lands.—

161 (1) The Department of Environmental Protection shall
162 perform all staff duties and functions related to the
163 acquisition, administration, and disposition of state lands,
164 title to which is or will be vested in the Board of Trustees of
165 the Internal Improvement Trust Fund. However, upon the effective
166 date of rules adopted pursuant to s. 373.427, a water management
167 district created under s. 373.069 shall perform the staff duties
168 and functions related to the review of any application for
169 authorization to use board of trustees-owned submerged lands
170 necessary for an activity regulated under part IV of chapter 373
171 for which the water management district has permitting
172 responsibility as set forth in an operating agreement adopted
173 pursuant to s. 373.046(4). ~~and~~ The Department of Agriculture
174 and Consumer Services shall perform the staff duties and

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175 functions related to the review of applications and compliance
176 with conditions for use of board of trustees-owned submerged
177 lands under authorizations or leases issued pursuant to ss.
178 253.67-253.75 and 597.010 and the acquisition, administration,
179 and disposition of conservation easements pursuant to s. 570.71.
180 Unless expressly prohibited by law, the board of trustees may
181 delegate to the department any statutory duty or obligation
182 relating to the acquisition, administration, or disposition of
183 lands, title to which is or will be vested in the board of
184 trustees. The board of trustees may also delegate to any water
185 management district created under s. 373.069 the authority to
186 take final agency action, without any action on behalf of the
187 board, on applications for authorization to use board of
188 trustees-owned submerged lands for any activity regulated under
189 part IV of chapter 373 for which the water management district
190 has permitting responsibility as set forth in an operating
191 agreement adopted pursuant to s. 373.046(4). This water
192 management district responsibility under this subsection shall
193 be subject to the department's general supervisory authority
194 pursuant to s. 373.026(7). The board of trustees may also
195 delegate to the Department of Agriculture and Consumer Services
196 the authority to take final agency action on behalf of the board
197 on applications to use board of trustees-owned submerged lands
198 for any activity for which that department has responsibility
199 pursuant to ss. 253.67-253.75, 369.25, 369.251, and 597.010.
200 However, the board of trustees shall retain the authority to
201 take final agency action on establishing any areas for leasing,
202 new leases, expanding existing lease areas, or changing the type
203 of lease activity in existing leases. Upon issuance of an

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204 aquaculture lease or other real property transaction relating to
205 aquaculture, the Department of Agriculture and Consumer Services
206 must send a copy of the document and the accompanying survey to
207 the Department of Environmental Protection. The board of
208 trustees may also delegate to the Fish and Wildlife Conservation
209 Commission the authority to take final agency action, without
210 any action on behalf of the board, on applications for
211 authorization to use board of trustees-owned submerged lands for
212 any activity regulated under ss. 369.20 and 369.22.

213 Section 3. Paragraph (a) of subsection (5) and paragraph
214 (b) of subsection (6) of section 379.2523, Florida Statutes, are
215 amended to read:

216 379.2523 Aquaculture definitions; marine aquaculture
217 products, producers, and facilities.—

218 (5) The department shall:

219 (a) Coordinate with the Aquaculture Review Council, ~~the~~
220 ~~Aquaculture Interagency Coordinating Council,~~ and the Department
221 of Agriculture and Consumer Services when developing criteria
222 for aquaculture general permits.

223 (6) The Fish and Wildlife Conservation Commission shall
224 encourage the development of aquaculture in the state through
225 the following:

226 (b) Facilitating aquaculture research on life histories,
227 stock enhancement, and alternative species, and providing
228 research results that would assist in the evaluation,
229 development, and commercial production of candidate species for
230 aquaculture, including:

231 1. Providing eggs, larvae, fry, and fingerlings to
232 aquaculturists when excess cultured stocks are available from

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233 the commission's facilities and the culture activities are
234 consistent with the commission's stock enhancement projects.
235 Such stocks may be obtained by reimbursing the commission for
236 the cost of production on a per-unit basis. Revenues resulting
237 from the sale of stocks shall be deposited into the trust fund
238 used to support the production of such stocks.

239 2. Conducting research programs to evaluate candidate
240 species when funding and staff are available.

241 3. Encouraging the private production of marine fish and
242 shellfish stocks for the purpose of providing such stocks for
243 statewide stock enhancement programs. When such stocks become
244 available, the commission shall reduce or eliminate duplicative
245 production practices that would result in direct competition
246 with private commercial producers.

247 4. Developing a working group, in cooperation with the
248 Department of Agriculture and Consumer Services and, the
249 Aquaculture Review Council, ~~and the Aquaculture Interagency~~
250 ~~Coordinating Council~~, to plan and facilitate the development of
251 private marine fish and nonfish hatcheries and to encourage
252 private/public partnerships to promote the production of marine
253 aquaculture products.

254 Section 4. Paragraph (c) of subsection (3) of section
255 379.2524, Florida Statutes, is amended to read:

256 379.2524 Commercial production of sturgeon.—

257 (3) MEETINGS; PROCEDURES; RECORDS.—The working group shall
258 meet at least twice a year and elect, by a quorum, a chair and
259 vice chair.

260 (c) A quorum shall consist of a majority of the group
261 members. ~~Members of the group shall not receive compensation,~~

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262 ~~but shall be entitled to per diem and travel expenses, including~~
263 ~~attendance at meetings, as allowed public officers and employees~~
264 ~~pursuant to s. 112.061.~~

265 Section 5. Subsection (1) of section 388.161, Florida
266 Statutes, is amended to read:

267 388.161 District boards of commissioners; powers and
268 duties.—

269 (1) The board of commissioners may do any and all things
270 necessary for the control and elimination of all species of
271 mosquitoes and other arthropods of public health importance and
272 the board of commissioners is specifically authorized to provide
273 for the construction and maintenance of canals, ditches, drains,
274 dikes, fills, and other necessary works and to install and
275 maintain pumps, excavators, and other machinery and equipment,
276 to use pesticides registered ~~oil, larvicide paris green, or any~~
277 ~~other chemicals approved~~ by the department but only in such
278 quantities as may be necessary to control mosquito breeding and
279 not be detrimental to fish life.

280 Section 6. Subsection (4) of section 388.201, Florida
281 Statutes, is amended to read:

282 388.201 District budgets; hearing.—

283 (4) The governing board:

284 (a) Shall consider ~~give consideration to~~ objections filed
285 against adoption of the tentative detailed work plan budget and
286 in its discretion may amend, modify, or change such budget; and

287 (b) Shall by September 30 ~~15 following~~ adopt and execute on
288 a form furnished by the department a certified budget for the
289 district which shall be the operating and fiscal guide for the
290 district. Certified copies of this budget shall be submitted by

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291 September 30 ~~15~~ to the department for approval.

292 Section 7. Subsections (1) and (2) of section 388.323,
293 Florida Statutes, are amended to read:

294 388.323 Disposal of surplus property.—Surplus property
295 shall be disposed of according to the provisions set forth in s.
296 274.05 with the following exceptions:

297 (1) Serviceable equipment no longer needed by a county or
298 district shall first be offered to any or all other counties or
299 districts engaged in arthropod control at a price established by
300 the board of commissioners owning the equipment. ~~If no~~
301 ~~acceptable offer is received within a reasonable time, the~~
302 ~~equipment shall be offered to such other governmental units or~~
303 ~~private nonprofit agencies as provided in s. 274.05.~~

304 (2) The alternative procedure for disposal of surplus
305 property, as prescribed in s. 274.06, shall be followed if it is
306 ~~has been~~ determined that no other county or, district engaged in
307 arthropod control, ~~governmental unit, or private nonprofit~~
308 ~~agency~~ has need for the equipment.

309 Section 8. Section 388.42, Florida Statutes, is repealed.

310 Section 9. Subsection (2) of section 388.46, Florida
311 Statutes, is amended to read:

312 388.46 Florida Coordinating Council on Mosquito Control;
313 establishment; membership; organization; responsibilities.—

314 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

315 (a) *Membership*.—The Florida Coordinating Council on
316 Mosquito Control shall be comprised of the following
317 representatives or their authorized designees:

318 1. The Secretary of Environmental Protection. and

319 2. The State Surgeon General. ~~†~~

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320 ~~3.2.~~ The executive director of the Fish and Wildlife
321 Conservation Commission.~~;~~

322 ~~4.3.~~ The state epidemiologist.~~;~~

323 ~~5.4.~~ The Commissioner of Agriculture.~~;~~ ~~and~~

324 6. The Board of Trustees of the Internal Improvement Trust
325 Fund.

326 ~~7.5.~~ Representatives from:

327 a. The University of Florida, Institute of Food and
328 Agricultural Sciences, Florida Medical Entomological Research
329 Laboratory.~~;~~

330 ~~b. Florida Agricultural and Mechanical University;~~

331 ~~b.e.~~ The United States Environmental Protection Agency.~~;~~

332 ~~c.d.~~ The United States Department of Agriculture, Insects
333 Affecting Man Laboratory.~~;~~

334 ~~d.e.~~ The United States Fish and Wildlife Service.~~;~~

335 ~~8.f.~~ Two mosquito control directors to be nominated by the
336 Florida Mosquito Control Association, two representatives of
337 Florida environmental groups, and two private citizens who are
338 property owners whose lands are regularly subject to mosquito
339 control operations, to be appointed to 4-year terms by the
340 Commissioner of Agriculture; ~~and~~

341 ~~g. The Board of Trustees of the Internal Improvement Trust~~
342 Fund.

343 (b) *Organization.*—The council shall be chaired by the
344 Commissioner of Agriculture or the commissioner's authorized
345 designee. A majority of the membership of the council shall
346 constitute a quorum for the conduct of business. The chair shall
347 be responsible for recording and distributing to the members a
348 summary of the proceedings of all council meetings. The council

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349 shall meet at least three times each year, or as needed. The
350 council may designate subcommittees from time to time to assist
351 in carrying out its responsibilities, provided that the
352 Subcommittee on Managed Marshes shall be the first subcommittee
353 appointed by the council. The subcommittee shall continue to
354 provide technical assistance and guidance on saltmarsh ~~mosquito~~
355 ~~impoundment~~ management plans and ~~develop and review~~ research
356 proposals, taking into account the mosquito control source
357 reduction implications and natural resource interests in these
358 habitats ~~for mosquito source reduction techniques~~.

359 (c) *Responsibilities.*—The council shall:

360 1. Develop and implement guidelines to assist the
361 department in resolving disputes arising over the control of
362 arthropods on publicly owned lands.

363 ~~2. Identify and recommend to Florida Agricultural and~~
364 ~~Mechanical University research priorities for arthropod control~~
365 ~~practices and technologies.~~

366 ~~2.3.~~ Develop and recommend to the department a request for
367 proposal process for arthropod control research.

368 ~~3.4.~~ Identify potential funding sources for research or
369 implementation projects and evaluate and prioritize proposals
370 upon request by the funding source.

371 ~~4.5.~~ Prepare and present reports, as needed, on arthropod
372 control activities in the state to the Pesticide Review Council,
373 ~~the Florida Coastal Management Program Interagency Management~~
374 ~~Committee,~~ and other governmental organizations, as appropriate.

375 Section 10. Subsections (7) and (8) of section 493.6104,
376 Florida Statutes, are renumbered as subsections (6) and (7),
377 respectively, and present subsection (6) of that section is

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378 amended to read:

379 493.6104 Advisory council.—

380 ~~(6) Council members shall serve without pay; however, state~~
381 ~~per diem and travel allowances may be claimed for attendance at~~
382 ~~officially called meetings as provided by s. 112.061.~~

383 Section 11. Subsection (3) of section 500.09, Florida
384 Statutes, is amended to read:

385 500.09 Rulemaking; analytical work.—

386 (3) The department may adopt rules necessary for the
387 efficient enforcement of this chapter. Such rules must be
388 consistent with those adopted under the federal act in regard to
389 food and, to this end, may adopt by reference those rules and
390 the current edition of the model Food Code issued by the Food
391 and Drug Administration and Public Health Service of the United
392 States Department of Health and Human Services, when applicable
393 and practicable.

394 Section 12. Subsection (6) of section 500.147, Florida
395 Statutes, is amended to read:

396 500.147 Inspection of food establishments and vehicles,†
397 ~~food safety pilot program.—~~

398 ~~(6) The department is authorized to initiate a food safety~~
399 ~~pilot program establishing a special, documented food inspection~~
400 ~~program based on sound science principles of the Hazard Analysis~~
401 ~~Critical Control Point (HACCP) system and involving cooperative~~
402 ~~compliance efforts of both the department and the food~~
403 ~~establishment to assure consumers a safe, wholesome, and~~
404 ~~properly labeled food supply. A food establishment shall be~~
405 ~~eligible for such a pilot program only if program criteria are~~
406 ~~met. Criteria used to establish this special program include,~~

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407 ~~but are not limited to, the following:~~

408 ~~(a) A good inspection history over a specified time period.~~

409 ~~(b) Certified food manager activities demonstrated to be~~
410 ~~effective in assessing food safety practices and correcting~~
411 ~~deficiencies at the food establishment.~~

412 ~~(c) An active food training program in place for employees.~~

413 ~~(d) "Self inspection" records of the food establishment~~
414 ~~made available for review by the department.~~

415 ~~(e) Written sanitation standard operation procedures in~~
416 ~~place and the food establishment's verification records made~~
417 ~~available for review by the department.~~

418 ~~(f) Freezer/refrigeration units and hot-cold temperature~~
419 ~~logs or recording charts made available for review by the~~
420 ~~department.~~

421 ~~(g) Records of corrective action to resolve food safety~~
422 ~~deficiencies made available for review by the department.~~

423 Section 13. Subsections (4) through (7) of section 502.014,
424 Florida Statutes, are renumbered as subsections (3) through (6),
425 respectively, and present subsection (3) of that section is
426 amended to read:

427 502.014 Powers and duties.—

428 ~~(3) The department shall manage a program to issue permits~~
429 ~~to persons who test milk or milk products for milkfat content by~~
430 ~~weight, volume, chemical, electronic, or other means when the~~
431 ~~result of such test is used as a basis for payment for the milk~~
432 ~~or milk products.~~

433 Section 14. Subsections (1) and (2) and paragraphs (a) and
434 (e) of subsection (3) of section 502.053, Florida Statutes, are
435 amended to read:

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436 502.053 Permits and ~~licenses~~; fees; requirements;
437 exemptions; temporary permits.-

438 (1) ~~PERMITS AND LICENSES~~.-

439 (a) Each Grade "A" milk plant, whether located in the state
440 or outside the state, and each manufacturing milk plant, milk
441 producer, milk hauler, milk hauling service, washing station
442 operator, milk plant operator, milk distributor, single-service-
443 container manufacturer, receiving station, and transfer station
444 in the state shall apply to the department for a permit to
445 operate. The application shall be on forms developed by the
446 department.

447 (b) Each frozen dessert plant, whether located in the state
448 or outside the state, that manufactures frozen desserts or other
449 products defined in this chapter and offers these products for
450 sale in this state must apply to the department for a permit to
451 operate. The application must be submitted on forms prescribed
452 by the department. All frozen dessert permits expire on June 30
453 of each year.

454 ~~(c) Any person who tests milk or milk products for milkfat
455 content by weight, volume, chemical, electronic, or other method
456 when the result of such test is used as a basis for payment for
457 the milk or milk products must apply to the department for a
458 license. To qualify for a license, the applicant must
459 demonstrate a sufficiency of knowledge, ability, and equipment
460 to adequately perform milkfat tests. The license shall be issued
461 for a period of 2 years after the date of first issuance upon
462 application to the department on forms prescribed by the
463 department.~~

464 (c) ~~(d)~~ Permits and licenses are nontransferable between

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465 persons or locations and are subject to suspension or revocation
466 as provided in this chapter.

467 (2) FEES.—

468 ~~(a)~~ The initial application for a frozen dessert plant
469 permit must be accompanied by a permit fee of \$200. The annual
470 permit renewal fee is \$100.

471 ~~(b) The department shall charge each applicant for a~~
472 ~~milkfat tester's license a fee not to exceed \$125.~~

473 (3) REQUIREMENTS.—

474 (a) To obtain a ~~frozen dessert plant permit or milkfat~~
475 ~~tester's license~~, an applicant must satisfy all requirements
476 that are defined by the department in rule and must agree to
477 comply with the applicable provisions of this chapter and rules
478 adopted under this chapter. The department shall mail a copy of
479 the permit ~~or license~~ to the applicant to signify that
480 administrative requirements have been met.

481 ~~(c) Each licensed milkfat tester shall keep records of~~
482 ~~milkfat tests conducted by him or her for a period of 1 year,~~
483 ~~and such records must be available for inspection by the~~
484 ~~department at all reasonable hours.~~

485 Section 15. Subsection (9) of section 570.0705, Florida
486 Statutes, is amended to read:

487 570.0705 Advisory committees.—From time to time the
488 commissioner may appoint any advisory committee to assist the
489 department with its duties and responsibilities.

490 (9) Notwithstanding s. 20.052(4)(d), members of each
491 advisory committee, council, board, working group, task force,
492 or other advisory body created by law within the department or
493 created by the department under this section may not be

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494 reimbursed for per diem or travel expenses as provided in s.
495 112.061 shall receive no compensation for their services.

496 Section 16. Section 570.071, Florida Statutes, is repealed.

497 Section 17. Section 570.074, Florida Statutes, is amended
498 to read:

499 570.074 Department of Agriculture and Consumer Services;
500 ~~energy and water policy.~~—The commissioner may create an Office
501 of Agricultural Energy and Water Policy under the supervision of
502 a senior manager exempt under s. 110.205 in the Senior
503 Management Service. The commissioner may designate the bureaus
504 and positions in the various organizational divisions of the
505 department that report to this office relating to any matter
506 over which the department has jurisdiction in matters relating
507 to ~~energy and water policy~~ affecting agriculture, application of
508 such policies, and coordination of such matters with state and
509 federal agencies.

510 Section 18. Section 570.18, Florida Statutes, is amended to
511 read:

512 570.18 Organization of departmental work.—In the assignment
513 of functions to the divisions of the department created in s.
514 20.14 ~~570.29~~, the department shall retain within the Division of
515 Administration, in addition to executive functions, those powers
516 and duties enumerated in s. 570.30. The department shall
517 organize the work of the other divisions in such a way as to
518 secure maximum efficiency in the conduct of the department. The
519 divisions created in s. 20.14 ~~570.29~~ are solely to make possible
520 the definite placing of responsibility. The department shall be
521 conducted as a unit in which every employee, including each
522 division director, is assigned a definite workload, and there

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523 shall exist between division directors a spirit of cooperative
524 effort to accomplish the work of the department.

525 Section 19. Section 570.29, Florida Statutes, is repealed.

526 Section 20. Section 570.34, Florida Statutes, is repealed.

527 Section 21. Section 570.451, Florida Statutes, is created
528 to read:

529 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
530 Council.—

531 (1) The Agricultural Feed, Seed, and Fertilizer Advisory
532 Council is created within the department.

533 (2) The council is composed of the following 15 members
534 appointed by the commissioner:

535 (a) One representative of the department.

536 (b) One representative of the dean for extension of the
537 Institute of Food and Agricultural Sciences at the University of
538 Florida.

539 (c) One representative each from the state's beef cattle,
540 poultry, aquaculture, field crops, citrus, vegetable, and dairy
541 production industries.

542 (d) Two representatives each from the state's fertilizer,
543 seed, and commercial feed industries.

544
545 Each member shall be appointed for a term of not to exceed 4
546 years and shall serve until his or her successor is appointed.

547 (3) (a) A majority of the council members constitutes a
548 quorum for all purposes, and an act by a majority of such quorum
549 at any meeting constitutes an official act of the council. The
550 secretary shall keep a complete record of each meeting, which
551 must show the names of members present and the actions taken.

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552 Such records must be kept on file with the department.

553 (b) Members of the council shall meet and organize by
554 electing a chair, a vice chair, and a secretary whose terms
555 shall be for 2 years each. Council officers may not serve
556 consecutive terms.

557 (c) The council shall meet at the call of its chair, at the
558 request of a majority of its members, at the request of the
559 department, or at such time as an agricultural or environmental
560 emergency arises, but not less than twice per year.

561 (d) The meetings, powers and duties, procedures, and
562 recordkeeping of the council shall be in accordance with the
563 provisions of s. 570.0705 relating to advisory committees
564 established within the department.

565 (4) The council shall:

566 (a) Receive reports of relevant enforcement activity
567 conducted by the Division of Agricultural Environmental
568 Services, including the number of inspections, the number of
569 administrative actions, the number of complaints received and
570 investigated, and the dispositions of complaints.

571 (b) Provide advice to the department on the conduct of
572 relevant enforcement activities.

573 (c) Receive reports on disciplinary actions.

574 (d) Make recommendations to the commissioner for actions to
575 be taken with respect to the regulation of agricultural feed,
576 seed, and fertilizer.

577 Section 22. Paragraph (e) of subsection (6) of section
578 570.53, Florida Statutes, is amended to read:

579 570.53 Division of Marketing and Development; powers and
580 duties.—The powers and duties of the Division of Marketing and

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581 Development include, but are not limited to:

582 (6)

583 (e) Extending in every practicable way the distribution and
584 sale of Florida agricultural products throughout the markets of
585 the world as required of the department by s. ~~ss.~~ 570.07(7),
586 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

587 Section 23. Subsection (2) of section 570.54, Florida
588 Statutes, is amended to read:

589 570.54 Director; duties.—

590 (2) It shall be the duty of the director of this division
591 to supervise, direct, and coordinate the activities authorized
592 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
593 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
594 chapters 504, 571, 573, and 574 and to exercise other powers and
595 authority as authorized by the department.

596 Section 24. Subsection (7) of section 573.112, Florida
597 Statutes, is amended to read:

598 573.112 Advisory council.—

599 (7) Notwithstanding any provision of this section, the
600 Citrus Research and Development Foundation, Inc., a direct-
601 support organization of the University of Florida established
602 pursuant to s. 1004.28, shall serve as the advisory council for
603 a citrus research marketing order, provide the department with
604 advice on administering the order, and, in accordance with the
605 order, conduct citrus research and perform other duties assigned
606 by the department. Notwithstanding s. 1004.28(3) or any
607 provision of this section, the foundation's board of directors
608 shall be composed of 13 members, including 10 citrus growers, 2
609 representatives of the university's Institute of Food and

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610 Agricultural Sciences, and 1 member appointed by the
611 Commissioner of Agriculture, who are each entitled to
612 reimbursement from the foundation for per diem and travel
613 expenses as provided in s. 112.061.

614 Section 25. Subsection (4) of section 573.118, Florida
615 Statutes, is amended to read:

616 573.118 Assessment; funds; review of accounts ~~audit~~;
617 loans.-

618 (4) In the event of levying and collecting of assessments,
619 for each fiscal year in which assessment funds are received by
620 the department, the department shall maintain records of
621 collections and expenditures for each marketing order separately
622 within the state's accounting system. If requested by an
623 advisory council, department staff shall cause to be made a
624 thorough review ~~annual audit~~ of the ~~books and accounts by a~~
625 ~~certified public accountant~~, such review ~~audit~~ to be completed
626 within 60 days after the request is received ~~end of the fiscal~~
627 ~~year~~. The department and all producers and handlers covered by
628 the marketing order shall be properly advised of the details of
629 the review ~~annual official audit~~ of the account ~~accounts as~~
630 ~~shown by the certified public accountant~~ within 30 days after ~~of~~
631 the review ~~audit~~.

632 Section 26. Subsection (8) of section 576.045, Florida
633 Statutes, is amended to read:

634 576.045 Nitrogen and phosphorus; findings and intent; fees;
635 purpose; best management practices; waiver of liability;
636 compliance; rules; exclusions; expiration.-

637 (8) EXPIRATION OF PROVISIONS.—Subsections (1), (2), (3),
638 (4), and (6) expire on December 31, 2022 ~~2012~~. Subsections (5)

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639 and (7) expire on December 31, 2027 ~~2017~~.

640 Section 27. Section 576.071, Florida Statutes, is amended
641 to read:

642 576.071 Commercial value.—The commercial value used in
643 assessing penalties for any deficiency shall be determined by
644 using annualized plant nutrient values contained in one or more
645 generally recognized journals ~~recommended by the Fertilizer~~
646 ~~Technical Council~~.

647 Section 28. Section 576.091, Florida Statutes, is repealed.

648 Section 29. Section 578.30, Florida Statutes, is repealed.

649 Section 30. Paragraph (c) of subsection (1) and subsection
650 (3) of section 580.041, Florida Statutes, are amended to read:

651 580.041 Master registration; fee; refusal or cancellation
652 of registration; reporting.—

653 (1)

654 (c) Registration shall be conditioned on the distributor's
655 compliance with all provisions of this chapter and rules adopted
656 under this chapter ~~thereof~~, including:

657 1. Submitting samples of manufactured feed for testing by
658 laboratories that have been certified by the department or
659 obtaining an exemption from the certified laboratory testing
660 requirement, as provided by this chapter and rules thereof.

661 2. Maintaining a bookkeeping system and records necessary
662 to indicate accurately the type and tonnage of commercial feeds
663 sold in this state ~~that will allow the department to verify the~~
664 ~~accuracy of the reported tonnage.~~

665 3. Reporting within 30 days after the end of each quarter,
666 in the format prescribed by the department, the number of tons
667 of feed distributed in the state during each of the following

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668 reporting periods: July through September, October through
669 December, January through March, and April through June.

670 4.3. Allowing the department to verify the accuracy of
671 reported type and tonnage and to otherwise examine pertinent
672 records at reasonable times.

673 (3) The department may refuse, suspend, or cancel the
674 master registration of, or impose one or more of the penalties
675 provided in s. 580.121, against any distributor or registrant
676 who violates or fails to comply with the provisions of this
677 chapter.

678 Section 31. Section 580.131, Florida Statutes, is amended
679 to read:

680 580.131 Penalty payable to consumer.—

681 (1) Any consumer who purchases without notice a commercial
682 feed or feedstuff that is ~~has been~~ distributed in violation of
683 this chapter or rules adopted under this chapter shall, in any
684 legal or administrative action that may be instituted, recover
685 penalties as follows:

686 (a)~~(1)~~ If a certified laboratory analysis shows that any
687 feed bearing a guarantee of 20 percent protein~~7~~ or less~~7~~ falls
688 more than 1 percent protein below the guarantee, or if the
689 analysis shows that any feed bearing a guarantee of more than 20
690 percent protein falls more than 2 percent protein below the
691 guarantee, \$4 per ton for each percent protein deficiency shall
692 be assessed against the manufacturer or distributor.

693 (b)~~(2)~~ If a certified laboratory analysis shows that any
694 feed is deficient in fat by more than 0.5 ~~five-tenths~~ percent
695 fat, \$4 per ton for each percent fat deficiency shall be
696 assessed against the manufacturer or distributor.

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697 (c)~~(3)~~ If a certified laboratory analysis shows that any
698 feed bearing a maximum guarantee of not more than 20 percent
699 fiber exceeds this guarantee by more than 1 percent fiber, or if
700 the analysis shows that any feed bearing a maximum guarantee of
701 more than 20 percent fiber exceeds this guarantee by more than 2
702 percent fiber, \$4 per ton for each percent fiber excess shall be
703 assessed against the manufacturer or distributor.

704 (d)~~(4)~~ If a certified laboratory analysis shows that any
705 commercial feed is deficient or excessive in the required drug,
706 mineral, or nutritive guarantees other than protein, fat, or
707 fiber, a penalty of \$4 per ton shall be assessed against the
708 manufacturer or distributor for each deficiency or excessive
709 level found.

710 (e)~~(5)~~ If a certified laboratory analysis shows that any
711 commercial feed or feedstuff is found to be adulterated as
712 provided in s. 580.071, a penalty of \$4 per ton shall be
713 assessed against the manufacturer or distributor for each
714 violation found.

715 (f)~~(6)~~ If any feed is found by the department to be short
716 in weight, 4 times the invoice value of the actual shortage
717 shall be assessed against the manufacturer or distributor, but
718 in no instance shall the penalty be less than \$25. The
719 department by rule may establish variations for short weight.

720 (g)~~(7)~~ ~~In no case shall~~ Any penalty assessed under ~~as~~
721 ~~specified in~~ this section ~~be less than \$10~~, regardless of the
722 monetary value of the violation, must be at least \$10.

723 (2) (a) Within 60 days after the department notifies a
724 registrant in writing of any penalty assessed under this
725 section, the registrant shall pay the penalty to the consumer.

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726 If the consumer's identity cannot be determined, the registrant
727 shall, within the 60-day period, pay the assessed penalty to the
728 department.

729 (b) A registrant who, within the 60-day period, fails to
730 pay the full amount of the assessed penalty to the consumer or
731 the department, as applicable, in addition to the penalty
732 assessed under this section, is also subject to the penalties
733 provided in s. 580.121.

734 (c) The proceeds from any penalties paid to the department
735 under this section shall be deposited into the department's
736 General Inspection Trust Fund and be used by the department for
737 the exclusive purpose of administering this chapter.

738 Section 32. Section 580.151, Florida Statutes, is repealed.

739 Section 33. Subsection (30) of section 581.011, Florida
740 Statutes, is amended to read:

741 581.011 Definitions.—As used in this chapter:

742 ~~(30) "Technical council" means the Plant Industry Technical~~
743 ~~Council.~~

744 Section 34. Subsection (3) of section 581.145, Florida
745 Statutes, is amended to read:

746 581.145 Aquatic plant nursery registration; special permit
747 requirements.—

748 (3) Notwithstanding any other provision of state or federal
749 law, the Department of Agriculture and Consumer Services shall
750 issue, by request, a permit to the aquaculture producer to
751 engage in the business of transporting and selling ~~exporting~~
752 water hyacinths (*Eichhornia spp.*) only to other states or
753 countries that permit such transportation and sale ~~other than~~
754 ~~the United States and only when such water hyacinths are~~

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755 ~~cultivated in a nursery for the sole purpose of exportation and~~
756 ~~the aquaculture activities have activity has~~ been certified by
757 the Department of Agriculture and Consumer Services. In
758 accordance with any appropriate state or federal law or United
759 States treaty, ~~a~~ ~~ne~~ Florida aquaculture producer may not ~~shall~~
760 ship water hyacinths to other states or countries ~~other than the~~
761 ~~United States~~ under such a permit for the purpose of importing
762 water hyacinths back into Florida ~~the United States~~, ~~nor shall~~
763 ~~drop shipments be made to any other destination within the~~
764 ~~United States~~. This subsection does not ~~provision shall in no~~
765 ~~way~~ restrict or interfere with the ~~Department of Environmental~~
766 ~~Protection's~~ efforts of the Fish and Wildlife Conservation
767 Commission, or the efforts ~~those~~ of any other agency or local
768 government with responsibilities for the management of noxious
769 aquatic plants, to control or eradicate noxious nonnursery
770 aquatic plants, including water hyacinths. This subsection may
771 ~~provision shall~~ not be considered ~~a consideration~~ in the
772 approval or the release of biological control agents for water
773 hyacinths or any other noxious aquatic plants.

774 Section 35. Section 582.06, Florida Statutes, is amended to
775 read:

776 582.06 Soil and Water Conservation Council; powers and
777 duties.—

778 (1) COMPOSITION.—

779 (a) The Soil and Water Conservation Council is created in
780 the Department of Agriculture and Consumer Services and shall be
781 composed of 7 ~~23~~ members ~~as follows~~:

782 ~~(a) Eleven members shall be persons~~ who have been involved
783 in the practice of soil or water conservation, or in the

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784 development or implementation of interim measures or best
785 management practices related thereto, and who have been engaged
786 in agriculture or an occupation related to the agricultural
787 industry for at least 5 years at the time of their appointment.

788 ~~(b) Twelve members shall include one representative each~~
789 ~~from the Department of Environmental Protection, the five water~~
790 ~~management districts, the Institute of Food and Agricultural~~
791 ~~Sciences at the University of Florida, the United States~~
792 ~~Department of Agriculture Natural Resources Conservation~~
793 ~~Service, the Florida Association of Counties, and the Florida~~
794 ~~League of Cities and two representatives of environmental~~
795 ~~interests.~~

796 (b)~~(e)~~ All members shall be appointed by the commissioner.
797 ~~Members appointed pursuant to paragraph (b) shall be appointed~~
798 ~~by the commissioner from recommendations provided by the~~
799 ~~organization or interest represented.~~

800 (c)~~(d)~~ Members shall serve 4-year terms or until their
801 successors are duly qualified and appointed. If a vacancy
802 occurs, it shall be filled for the remainder of the term in the
803 manner of an initial appointment.

804 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS;
805 ~~COMPENSATION.~~The meetings, powers and duties, procedures, and
806 recordkeeping of the Soil and Water Conservation Council, ~~and~~
807 ~~per diem and reimbursement of expenses of council members,~~ shall
808 be governed by the provisions of s. 570.0705 relating to
809 advisory committees established within the department.

810 Section 36. Section 582.20, Florida Statutes, is amended to
811 read:

812 582.20 Powers of districts and supervisors.—A soil and

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813 water conservation district organized under the provisions of
814 this chapter shall constitute a governmental subdivision of this
815 state, and a public body corporate and politic, exercising
816 public powers, and such district and the supervisors thereof,
817 shall have the following powers, in addition to others granted
818 in other sections of this chapter:

819 (1) To conduct surveys, investigations, and research
820 relating to the character of soil erosion and floodwater and
821 sediment damages, to the conservation, development and
822 utilization of soil and water resources and the disposal of
823 water, and to the preventive and control measures and works of
824 improvement needed; to publish the results of such surveys,
825 investigations, or research; and to disseminate information
826 concerning such preventive and control measures and works of
827 improvement; provided, however, that in order to avoid
828 duplication of research activities, no district shall initiate
829 any research program except in cooperation with the government
830 of this state or any of its agencies, or with the United States
831 or any of its agencies.~~+~~

832 (2) To conduct demonstrational projects within the
833 district's boundaries, territory within another district's
834 boundaries subject to the other district's approval, or
835 territory not contained within any district's boundaries
836 ~~district~~ on lands owned or controlled by this state or any of
837 its agencies, with the cooperation of the agency administering
838 and having jurisdiction thereof, and on any other lands within
839 the district's boundaries, territory within another district's
840 boundaries subject to the other district's approval, or
841 territory not contained within any district's boundaries

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842 ~~district~~ upon obtaining the consent of the owner and occupiers
843 of such lands or the necessary rights or interests in such
844 lands, in order to demonstrate by example the means, methods,
845 and measures by which soil and soil resources may be conserved,
846 and soil erosion in the form of soil blowing and soil washing
847 may be prevented and controlled, and works of improvement for
848 flood prevention or the conservation, development and
849 utilization of soil and water resources, and the disposal of
850 water may be carried out.†

851 (3) To carry out preventive and control measures and works
852 of improvement for flood prevention or the conservation,
853 development and utilization of soil and water resources, and the
854 disposal of water within the district's boundaries, territory
855 within another district's boundaries subject to the other
856 district's approval, or territory not contained within any
857 district's boundaries ~~district~~, including, but not limited to,
858 engineering operations, methods of cultivation, the growing of
859 vegetation, changes in use of land, and the measures listed in
860 s. 582.04 on lands owned or controlled by this state or any of
861 its agencies, with the cooperation of the agency administering
862 and having jurisdiction thereof, and on any other lands within
863 the district's boundaries, territory within another district's
864 boundaries subject to the other district's approval, or
865 territory not contained within any district's boundaries
866 ~~district~~ upon obtaining the consent of the owner and the
867 occupiers of such lands or the necessary rights or interests in
868 such lands.†

869 (4) To cooperate, or enter into agreements with, and within
870 the limits of appropriations duly made available to it by law,

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871 to furnish financial or other aid to, any agency, governmental
872 or otherwise, or any owner or occupier of lands within the
873 district's boundaries, territory within another district's
874 boundaries subject to the other district's approval, or
875 territory not contained within any district's boundaries
876 ~~district~~, in the carrying on of erosion control or prevention
877 operations and works of improvement for flood prevention or the
878 conservation, development and utilization, of soil and water
879 resources and the disposal of water within the district's
880 boundaries, territory within another district's boundaries
881 subject to the other district's approval, or territory not
882 contained within any district's boundaries ~~district~~, subject to
883 such conditions as the supervisors may deem necessary to advance
884 the purposes of this chapter.†

885 (5) To obtain options upon and to acquire, by purchase,
886 exchange, lease, gift, grant, bequest, devise or otherwise, any
887 property, real or personal, or rights or interests therein; to
888 maintain, administer, and improve any properties acquired, to
889 receive income from such properties and to expend such income in
890 carrying out the purposes and provisions of this chapter; and to
891 sell, lease, or otherwise dispose of any of its property or
892 interests therein in furtherance of the purposes and the
893 provisions of this chapter.†

894 (6) To make available, on such terms as it shall prescribe,
895 to landowners and occupiers within the district's boundaries,
896 territory within another district's boundaries subject to the
897 other district's approval, or territory not contained within any
898 district's boundaries ~~district~~, agricultural and engineering
899 machinery and equipment, fertilizer, seeds and seedlings, and

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900 such other material or equipment, as will assist such landowners
901 and occupiers to carry on operations upon their lands for the
902 conservation of soil resources and for the prevention or control
903 of soil erosion and for flood prevention or the conservation,
904 development and utilization, of soil and water resources and the
905 disposal of water.~~†~~

906 (7) To construct, improve, operate and maintain such
907 structures as may be necessary or convenient for the performance
908 of any of the operations authorized in this chapter.~~†~~

909 (8) To develop comprehensive plans for the conservation of
910 soil and water resources and for the control and prevention of
911 soil erosion and for flood prevention or the conservation,
912 development and utilization of soil and water resources, and the
913 disposal of water within the district's boundaries, territory
914 within another district's boundaries subject to the other
915 district's approval, or territory not contained within any
916 district's boundaries ~~district~~, which plans shall specify in
917 such detail as may be possible the acts, procedures,
918 performances, and avoidances which are necessary or desirable
919 for the effectuation of such plans, including the specification
920 of engineering operations, methods of cultivation, the growing
921 of vegetation, cropping programs, tillage practices, and changes
922 in use of land; control of artesian wells; and to publish such
923 plans and information and bring them to the attention of owners
924 and occupiers of lands within the district's boundaries,
925 territory within another district's boundaries subject to the
926 other district's approval, or territory not contained within any
927 district's boundaries. ~~district;~~

928 (9) To take over, by purchase, lease, or otherwise, and to

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929 administer any soil-conservation, erosion-control, erosion-
930 prevention project, or any project for flood-prevention or for
931 the conservation, development and utilization of soil and water
932 resources, and the disposal of water, located within the
933 district's ~~its~~ boundaries, territory within another district's
934 boundaries subject to the other district's approval, or
935 territory not contained within any district's boundaries,
936 undertaken by the United States or any of its agencies, or by
937 this state or any of its agencies; to manage as agent of the
938 United States or any of its agencies, or of the state or any of
939 its agencies, any soil-conservation, erosion-control, erosion-
940 prevention, or any project for flood-prevention or for the
941 conservation, development, and utilization of soil and water
942 resources, and the disposal of water within the district's ~~its~~
943 boundaries, territory within another district's boundaries
944 subject to the other district's approval, or territory not
945 contained within any district's boundaries; to act as agent for
946 the United States, or any of its agencies, or for the state or
947 any of its agencies, in connection with the acquisition,
948 construction, operation or administration of any soil-
949 conservation, erosion-control, erosion-prevention, or any
950 project for flood-prevention or for the conservation,
951 development and utilization of soil and water resources, and the
952 disposal of water within the district's ~~its~~ boundaries,
953 territory within another district's boundaries subject to the
954 other district's approval, or territory not contained within any
955 district's boundaries; to accept donations, gifts, and
956 contributions in money, services, materials, or otherwise, from
957 the United States or any of its agencies, or from this state or

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958 any of its agencies, or from others, and to use or expend such
959 moneys, services, materials or other contributions in carrying
960 on its operations.‡

961 (10) To sue and be sued in the name of the district; to
962 have a seal, which seal shall be judicially noticed; to have
963 perpetual succession unless terminated as provided in this
964 chapter; to make and execute contracts and other instruments
965 necessary or convenient to the exercise of its powers; upon a
966 majority vote of the supervisors of the district, to borrow
967 money and to execute promissory notes and other evidences of
968 indebtedness in connection therewith, and to pledge, mortgage,
969 and assign the income of the district and its personal property
970 as security therefor, the notes and other evidences of
971 indebtedness to be general obligations only of the district and
972 in no event to constitute an indebtedness for which the faith
973 and credit of the state or any of its revenues are pledged; to
974 make, amend, and repeal rules and regulations not inconsistent
975 with this chapter to carry into effect its purposes and powers.

976 (11) As a condition to the extending of any benefits under
977 this chapter to, or the performance of work upon, any lands not
978 owned or controlled by this state or any of its agencies, the
979 supervisors may require contributions in money, services,
980 materials, or otherwise to any operations conferring such
981 benefits, and may require landowners and occupiers to enter into
982 and perform such agreements or covenants as to the permanent use
983 of such lands as will tend to prevent or control erosion and
984 prevent floodwater and sediment damages thereon.‡

985 (12) No provisions with respect to the acquisition,
986 operation, or disposition of property by public bodies of this

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987 state shall be applicable to a district organized hereunder
988 unless the Legislature shall specifically so state. The property
989 and property rights of every kind and nature acquired by any
990 district organized under the provisions of this chapter shall be
991 exempt from state, county, and other taxation.

992 Section 37. Section 582.29, Florida Statutes, is amended to
993 read:

994 582.29 State agencies to cooperate.—Agencies of this state
995 which shall have jurisdiction over, or be charged with, the
996 administration of any state-owned lands, and of any county, or
997 other governmental subdivision of the state, which shall have
998 jurisdiction over, or be charged with the administration of, any
999 county-owned or other publicly owned lands, lying within the
1000 boundaries of any district organized under this chapter, the
1001 boundaries of another district subject to that district's
1002 approval, or territory not contained within the boundaries of
1003 any district organized under this chapter, shall cooperate to
1004 the fullest extent with the supervisors of such districts in the
1005 effectuation of programs and operations undertaken by the
1006 supervisors under the provisions of this chapter. The
1007 supervisors of such districts shall be given free access to
1008 enter and perform work upon such publicly owned lands. The
1009 provisions of land use regulations adopted shall be in all
1010 respects observed by the agencies administering such publicly
1011 owned lands.

1012 Section 38. Subsection (3) of section 582.30, Florida
1013 Statutes, is amended, and subsections (4) and (5) are added to
1014 that section, to read:

1015 582.30 Discontinuance of districts; referendum;

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1016 commissioner's authority.—

1017 (3) In the alternative, ~~upon review and recommendation of~~
1018 ~~the Soil and Water Conservation Council regarding the continued~~
1019 ~~viability of a district,~~ the Commissioner of Agriculture may
1020 dissolve or discontinue a such district if: ~~the commissioner~~
1021 ~~certifies that the continued operation of the district is not~~
1022 ~~administratively practicable and feasible.~~

1023 (a) Upon review and recommendation of the Soil and Water
1024 Conservation Council, the council determines that the continued
1025 operation of the district is not administratively practicable
1026 and feasible under the provisions of this chapter;

1027 (b) The If A district fails has failed to comply with any
1028 of the audit or and financial reporting requirement requirements
1029 of chapter 189, or fails to comply with any requirement of s.
1030 582.20(1)-(9), and the commissioner, after review and
1031 confirmation by the department's inspector general reviews and
1032 confirms in writing that the district has failed to comply with
1033 such requirement; or, may certify dissolution or discontinuance
1034 of such district without prior review and recommendation of the
1035 Soil and Water Conservation Council.

1036 (c) The department receives a resolution adopted by the
1037 supervisors of the district requesting that the commissioner
1038 issue a certificate determining that the continued operation of
1039 the district is not administratively practicable and feasible
1040 under the provisions of this chapter.

1041 (4) If the requirements for dissolution or discontinuance
1042 of a district are satisfied under subsection (1), subsection
1043 (2), or subsection (3), the department shall publish notice of a
1044 such proposed certification determining that the continued

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1045 operation of the district is not administratively practicable
1046 and feasible under the provisions of this chapter. The notice of
1047 ~~dissolution or discontinuance~~ shall be published once a week for
1048 2 weeks in a newspaper of general circulation within the county
1049 or counties in which ~~wherein~~ the district is located, stating
1050 the name of the district and a general description of the
1051 territory included in the district, and requiring that any
1052 comments or objections to the proposed certification,
1053 ~~dissolution~~ or any claims against the assets of the district,
1054 must be filed with the department clerk not later than 60 days
1055 after following the date of last publication.

1056 (5) (a) Upon expiration of the 60-day period after the date
1057 of last publication, the commissioner, upon review of any
1058 comments or objections received under subsection (4), may issue
1059 a certificate determining that the continued operation of the
1060 district is not administratively practicable and feasible under
1061 the provisions of this chapter.

1062 (b) If the commissioner issues a certificate determining
1063 that the continued operation of a district is not
1064 administratively practicable and feasible under the provisions
1065 of this chapter, the department shall file the original
1066 certificate with the Department of State and shall provide a
1067 copy of the certificate to the supervisors of the district at
1068 the district's principal office designated under s.
1069 582.15(1)(c).

1070 Section 39. Section 582.31, Florida Statutes, is amended to
1071 read:

1072 582.31 Certification of results of referendum;
1073 dissolution.—Upon receipt from the Department of Agriculture and

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1074 Consumer Services of a certification that the department has
1075 determined that the continued operation of the district is not
1076 administratively practicable and feasible, pursuant to the
1077 provisions of this chapter, the supervisors shall forthwith
1078 proceed to terminate the affairs of the district. The
1079 supervisors shall dispose of all property belonging to the
1080 district at public auction and shall pay over the proceeds of
1081 such sale to be converted into the State Treasury, which amount
1082 shall be placed to the credit of the district ~~department~~ for the
1083 purpose of liquidating any legal obligations the said district
1084 may have at the time of its discontinuance. The supervisors
1085 shall thereupon file an application, duly verified, with the
1086 Department of State for the discontinuance of the such district,
1087 and shall transmit with such application the certificate of the
1088 Department of Agriculture and Consumer Services setting forth
1089 the determination of the department that the continued operation
1090 of the such district is not administratively practicable and
1091 feasible. The application shall recite that the property of the
1092 district has been disposed of and the proceeds paid over as in
1093 this section provided, and shall set forth a full accounting of
1094 such properties and proceeds of the sale. The Department of
1095 State shall issue to the supervisors a certificate of
1096 dissolution and shall record such certificate in an appropriate
1097 book of record in its office.

1098 Section 40. Section 585.155, Florida Statutes, is repealed.

1099 Section 41. Section 589.03, Florida Statutes, is repealed.

1100 Section 42. Section 589.19, Florida Statutes, is amended to
1101 read:

1102 589.19 Creation of certain state forests; naming of certain

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1103 state forests.—

1104 (1) When the Board of Trustees of the Internal Improvement
1105 Trust Fund, any state agency, or any agency created by state
1106 law, authorized to accept reforestation lands in the name of the
1107 state, approves the recommendations of the Florida Forest
1108 Service ~~Division of Forestry~~ in reference to the acquisition of
1109 land and acquires ~~acquire~~ such land, the ~~said~~ board, state
1110 agency, or agency created by state law, may formally designate
1111 and dedicate any area as a reforestation project, or state
1112 forest, and where so designated and dedicated such area shall be
1113 under the administration of the Florida Forest Service, ~~division~~
1114 which is ~~shall be~~ authorized to manage and administer such ~~said~~
1115 area according to the purpose for which it was designated and
1116 dedicated.

1117 (2) The first state forest acquired by the Board of
1118 Trustees of the Internal Improvement Trust Fund in Baker County
1119 is to be named the John M. Bethea State Forest. This is to honor
1120 Mr. John M. Bethea who was Florida's fourth state forester and
1121 whose distinguished career in state government spanned 46 years
1122 and who is a native of Baker County.

1123 (3) The state forest managed by the Florida Forest Service
1124 ~~Division of Forestry~~ in Seminole County is to be named the
1125 Charles H. Bronson State Forest to honor Charles H. Bronson, the
1126 tenth Commissioner of Agriculture, for his distinguished
1127 contribution to this state's agriculture and natural resources.

1128 (4) (a) The Florida Forest Service ~~Division of Forestry~~
1129 shall designate one or more areas of state forests as an
1130 "Operation Outdoor Freedom a "Wounded Warrior Special Hunt Area"
1131 to honor wounded veterans and servicemembers. The purpose of

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1132 such designated areas is to provide special outdoor recreational
1133 opportunities for eligible veterans and servicemembers.

1134 (b) The Florida Forest Service ~~division~~ shall limit guest
1135 admittance to such designated areas to any person who:

1136 1. Is an active duty member of any branch of the United
1137 States Armed Forces and has a combat-related injury as
1138 determined by his or her branch of the United States Armed
1139 Forces; or

1140 2. Is a veteran who served during a period of wartime
1141 service as defined in s. 1.01(14) or peacetime service as
1142 defined in s. 296.02 and:

1143 a. Has a service-connected disability as determined by the
1144 United States Department of Veterans Affairs; or

1145 b. Was discharged or released from military service because
1146 of a disability acquired or aggravated while serving on active
1147 duty.

1148 (c) The Florida Forest Service ~~division~~ may grant
1149 admittance to such designated areas to a person who is not an
1150 eligible veteran or servicemember for purposes of accompanying
1151 an eligible veteran or servicemember who requires the person's
1152 assistance to use such designated areas.

1153 (d) Funding required for specialized accommodations shall
1154 be provided through the Friends of Florida State Forests Program
1155 created under s. 589.012.

1156 (e) The Florida Forest Service ~~division~~ may adopt rules to
1157 administer this subsection.

1158 Section 43. Section 589.277, Florida Statutes, is amended
1159 to read:

1160 589.277 Tree planting programs.—

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1161 (1) The ~~Division of Forestry of the~~ Florida Forest Service
1162 ~~Department of Agriculture and Consumer Services~~ shall administer
1163 federal, state, and privately sponsored tree planting programs
1164 designed to assist private rural landowners and urban
1165 communities.

1166 (2) Contributions from governmental and private sources for
1167 tree planting programs may be accepted into the Federal Grants
1168 Trust Fund or the Incidental Trust Fund of the Florida Forest
1169 Service.

1170 (3) The Florida Forest Service shall ~~Division of Forestry~~
1171 ~~is authorized and directed to~~ develop and implement guidelines
1172 and procedures under which the financial resources of the fund
1173 allocated for tree planting programs may be utilized for urban
1174 and rural reforestation.

1175 (4) Grants to municipalities, counties, nonprofit
1176 organizations, and qualifying private landowners may be made
1177 from allocated moneys in the fund for the purpose of purchasing,
1178 planting, and maintaining native tree species.

1179 (5) The Florida Forest Service ~~Division of Forestry~~ shall
1180 assist the Department of Education in developing programs that
1181 teach the importance of trees in the urban, rural, and global
1182 environment.

1183 Section 44. Section 590.02, Florida Statutes, is amended to
1184 read:

1185 590.02 Florida Forest Service; ~~Division~~ powers, authority,
1186 and duties; liability; building structures; Florida Center for
1187 Wildfire and Forest Resources Management Training.—

1188 (1) The Florida Forest Service ~~division~~ has the following
1189 powers, authority, and duties:

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- 1190 (a) To enforce the provisions of this chapter;
- 1191 (b) To prevent, detect, suppress, and extinguish wildfires
1192 wherever they may occur on public or private land in this state
1193 and to do all things necessary in the exercise of such powers,
1194 authority, and duties;
- 1195 (c) To provide firefighting crews, who shall be under the
1196 control and direction of the Florida Forest Service ~~division~~ and
1197 its designated agents;
- 1198 (d) To appoint center managers, forest area supervisors,
1199 forestry program administrators, a forest protection bureau
1200 chief, a forest protection assistant bureau chief, a field
1201 operations bureau chief, deputy chiefs of field operations,
1202 district managers, forest operations administrators, senior
1203 forest rangers, investigators, forest rangers, firefighter
1204 rotorcraft pilots, and other employees who may, at the Florida
1205 Forest Service's ~~division's~~ discretion, be certified as forestry
1206 firefighters pursuant to s. 633.35(4). Other provisions of law
1207 notwithstanding, center managers, district managers, forest
1208 protection assistant bureau chief, and deputy chiefs of field
1209 operations shall have Selected Exempt Service status in the
1210 state personnel designation;
- 1211 (e) To develop a training curriculum for forestry
1212 firefighters which must contain the basic volunteer structural
1213 fire training course approved by the Florida State Fire College
1214 of the Division of State Fire Marshal and a minimum of 250 hours
1215 of wildfire training;
- 1216 (f) To make rules to accomplish the purposes of this
1217 chapter;
- 1218 (g) To provide fire management services and emergency

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1219 response assistance and to set and charge reasonable fees for
1220 performance of those services. Moneys collected from such fees
1221 shall be deposited into the Incidental Trust Fund of the Florida
1222 Forest Service ~~division~~; and

1223 (h) To require all state, regional, and local government
1224 agencies operating aircraft in the vicinity of an ongoing
1225 wildfire to operate in compliance with the applicable state
1226 Wildfire Aviation Plan.

1227 (2) The Florida Forest Service's ~~Division~~ employees, and
1228 the firefighting crews under their control and direction, may
1229 enter upon any lands for the purpose of preventing and
1230 suppressing wildfires and investigating smoke complaints or open
1231 burning not in compliance with authorization and to enforce the
1232 provisions of this chapter.

1233 (3) Employees of the Florida Forest Service ~~division~~ and of
1234 federal, state, and local agencies, and all other persons and
1235 entities that are under contract or agreement with the Florida
1236 Forest Service ~~division~~ to assist in firefighting operations as
1237 well as those entities, called upon by the Florida Forest
1238 Service ~~division~~ to assist in firefighting may, in the
1239 performance of their duties, set counterfires, remove fences and
1240 other obstacles, dig trenches, cut firelines, use water from
1241 public and private sources, and carry on all other customary
1242 activities in the fighting of wildfires without incurring
1243 liability to any person or entity.

1244 (4) (a) The department may build structures, notwithstanding
1245 chapters 216 and 255, not to exceed a cost of \$50,000 per
1246 structure from existing resources on forest lands, federal
1247 excess property, and unneeded existing structures. These

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1248 structures must meet all applicable building codes.

1249 (b) Notwithstanding s. 553.80(1), the department shall
1250 exclusively enforce the Florida Building Code as it pertains to
1251 wildfire and law enforcement facilities under the jurisdiction
1252 of the department.

1253 (5) The Florida Forest Service ~~division~~ shall organize its
1254 operational units to most effectively prevent, detect, and
1255 suppress wildfires, and to that end, may employ the necessary
1256 personnel to manage its activities in each unit. The Florida
1257 Forest Service ~~division~~ may construct lookout towers, roads,
1258 bridges, firelines, and other facilities and may purchase or
1259 fabricate tools, supplies, and equipment for firefighting. The
1260 Florida Forest Service ~~division~~ may reimburse the public and
1261 private entities that it engages to assist in the suppression of
1262 wildfires for their personnel and equipment, including aircraft.

1263 (6) The Florida Forest Service ~~division~~ shall undertake
1264 privatization alternatives for fire prevention activities
1265 including constructing fire lines and conducting prescribed
1266 burns and, where appropriate, entering into agreements or
1267 contracts with the private sector to perform such activities.

1268 (7) The Florida Forest Service ~~division~~ may organize,
1269 staff, equip, and operate the Florida Center for Wildfire and
1270 Forest Resources Management Training. The center shall serve as
1271 a site where fire and forest resource managers can obtain
1272 current knowledge, techniques, skills, and theory as they relate
1273 to their respective disciplines.

1274 (a) The center may establish cooperative efforts involving
1275 federal, state, and local entities; hire appropriate personnel;
1276 and engage others by contract or agreement with or without

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1277 compensation to assist in carrying out the training and
1278 operations of the center.

1279 (b) The center shall provide wildfire suppression training
1280 opportunities for rural fire departments, volunteer fire
1281 departments, and other local fire response units.

1282 (c) The center will focus on curriculum related to, but not
1283 limited to, fuel reduction, an incident management system,
1284 prescribed burning certification, multiple-use land management,
1285 water quality, forest health, environmental education, and
1286 wildfire suppression training for structural firefighters.

1287 (d) The center may assess appropriate fees for food,
1288 lodging, travel, course materials, and supplies in order to meet
1289 its operational costs and may grant free meals, room, and
1290 scholarships to persons and other entities in exchange for
1291 instructional assistance.

1292 (e) An advisory committee consisting of the following
1293 individuals or their designees must review program curriculum,
1294 course content, and scheduling: the director of the Florida
1295 Forest Service ~~Division of Forestry~~; the assistant director of
1296 the Florida Forest Service ~~Division of Forestry~~; the director of
1297 the School of Forest Resources and Conservation of the
1298 University of Florida; the director of the Division of
1299 Recreation and Parks of the Department of Environmental
1300 Protection; the director of the Division of the State Fire
1301 Marshal; the director of the Florida Chapter of The Nature
1302 Conservancy; the executive vice president of the Florida
1303 Forestry Association; the president of the Florida Farm Bureau
1304 Federation; the executive director of the Fish and Wildlife
1305 Conservation Commission; the executive director of a water

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1306 management district as appointed by the Commissioner of
1307 Agriculture; the supervisor of the National Forests in Florida;
1308 the president of the Florida Fire Chief's Association; and the
1309 executive director of the Tall Timbers Research Station.

1310 (8) The Cross City Work Center shall be named the L. Earl
1311 Peterson Forestry Station. This is to honor Mr. L. Earl
1312 Peterson, Florida's sixth state forester, whose distinguished
1313 career in state government has spanned 44 years, and who is a
1314 native of Dixie County.

1315 (9) (a) Notwithstanding ss. 273.055 and 287.16, the
1316 department may retain, transfer, warehouse, bid, destroy, scrap,
1317 or otherwise dispose of surplus equipment and vehicles that are
1318 used for wildland firefighting.

1319 (b) All money received from the disposition of state-owned
1320 equipment and vehicles that are used for wildland firefighting
1321 shall be retained by the department. Money received pursuant to
1322 this section is appropriated for and may be disbursed for the
1323 acquisition of exchange and surplus equipment used for wildland
1324 firefighting, and for all necessary operating expenditures
1325 related to such equipment, in the same fiscal year and the
1326 fiscal year following the disposition. The department shall
1327 maintain records of the accounts into which the money is
1328 deposited.

1329 (10) (a) The Florida Forest Service ~~division~~ has exclusive
1330 authority to require and issue authorizations for broadcast
1331 burning and agricultural and silvicultural pile burning. An
1332 agency, commission, department, county, municipality, or other
1333 political subdivision of the state may not adopt or enforce
1334 laws, regulations, rules, or policies pertaining to broadcast

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1335 burning or agricultural and silvicultural pile burning unless an
1336 emergency order is declared in accordance with s. 252.38(3).

1337 (b) The Florida Forest Service ~~division~~ may delegate to a
1338 county or municipality its authority, as delegated by the
1339 Department of Environmental Protection pursuant to ss.
1340 403.061(28) and 403.081, to require and issue authorizations for
1341 the burning of yard trash and debris from land clearing
1342 operations in accordance with s. 590.125(6).

1343 Section 45. Subsection (3) of section 597.0021, Florida
1344 Statutes, is amended to read:

1345 597.0021 Legislative intent.—

1346 (3) It is the intent of the Legislature that the
1347 Aquaculture Review Council is and ~~the Aquaculture Interagency~~
1348 ~~Coordinating Council~~ are established to provide a means of
1349 communication between the aquaculture industry and the
1350 regulatory agencies.

1351 Section 46. Paragraphs (b) and (d) of subsection (1) of
1352 section 597.003, Florida Statutes, are amended to read:

1353 597.003 Powers and duties of Department of Agriculture and
1354 Consumer Services.—

1355 (1) The department is hereby designated as the lead agency
1356 in encouraging the development of aquaculture in the state and
1357 shall have and exercise the following functions, powers, and
1358 duties with regard to aquaculture:

1359 (b) Coordinate the development, annual revision, and
1360 implementation of a state aquaculture plan. The plan shall
1361 include prioritized recommendations for research and development
1362 as suggested by the Aquaculture Review Council, ~~the Aquaculture~~
1363 ~~Interagency Coordinating Council~~, and public and private

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1364 institutional research, extension, and service programs.

1365 (d) Provide staff for the Aquaculture Review Council ~~and~~
1366 ~~the Aquaculture Interagency Coordinating Council.~~

1367 Section 47. Paragraph (h) of subsection (1) of section
1368 597.004, Florida Statutes, is amended to read:

1369 597.004 Aquaculture certificate of registration.—

1370 (1) CERTIFICATION.—Any person engaging in aquaculture must
1371 be certified by the department. The applicant for a certificate
1372 of registration shall submit the following to the department:

1373 (h) An ~~One hundred dollar~~ annual registration fee of \$100.
1374 The annual registration fee is waived for each elementary,
1375 middle, or high school and each vocational school that
1376 participates in the aquaculture certification program.

1377 Section 48. Subsection (1), paragraphs (a) and (b) of
1378 subsection (2), and paragraph (h) of subsection (3) of section
1379 597.005, Florida Statutes, are amended to read:

1380 597.005 Aquaculture Review Council.—

1381 (1) COMPOSITION.—There is created within the department the
1382 Aquaculture Review Council to consist of eight ~~nine~~ members as
1383 follows: the chair of the State Agricultural Advisory Council or
1384 ~~designee; the chair of the Aquaculture Interagency Coordinating~~
1385 ~~Council;~~ and seven additional members to be appointed by the
1386 commissioner, including an alligator farmer, a food fish farmer,
1387 a shellfish farmer, a tropical fish farmer, an aquatic plant
1388 farmer, a representative of the commercial fishing industry, and
1389 a representative of the aquaculture industry at large. Members
1390 shall be appointed for 4-year terms. Each member shall be
1391 selected from no fewer than two or more than three nominees
1392 submitted by recognized statewide organizations representing

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1393 each industry segment or the aquaculture industry at large. In
1394 the absence of nominees, the commissioner shall appoint persons
1395 who otherwise meet the qualifications for appointment to the
1396 council. Members shall serve until their successors are duly
1397 qualified and appointed. An appointment to fill a vacancy shall
1398 be for the unexpired portion of the term.

1399 (2) MEETINGS; PROCEDURES; RECORDS.—

1400 (a) The members of the council shall meet at least
1401 quarterly; shall elect a chair, a vice chair, and a secretary,
1402 ~~and an industry representative to the Aquaculture Interagency~~
1403 ~~Coordinating Council;~~ and shall use accepted rules of procedure.
1404 The terms of such officers shall be for 1 year.

1405 (b) The council shall meet at the call of its chair, at the
1406 request of a majority of its membership, at the request of the
1407 department, or at such times as may be prescribed by its rules
1408 of procedure. ~~However, the council shall hold a joint annual~~
1409 ~~meeting with the Aquaculture Interagency Coordinating Council.~~

1410 (3) RESPONSIBILITIES.—The primary responsibilities of the
1411 Aquaculture Review Council are to:

1412 (h) For any problem that cannot be solved through simple
1413 cooperation or negotiation, provide an issue analysis ~~to the~~
1414 ~~Aquaculture Interagency Coordinating Council~~ and to the chairs
1415 of the legislative agriculture appropriations committees. The
1416 analysis shall include, but not be limited to, specific facts
1417 and industry hardships, regulatory provisions, questions
1418 relative to the issue, and suggestions for solving the problem.

1419 Section 49. Section 597.006, Florida Statutes, is repealed.

1420 Section 50. Subsection (3) of section 616.252, Florida
1421 Statutes, is amended to read:

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1422 616.252 Florida State Fair Authority; membership; number,
1423 terms, compensation.—

1424 (3) Members of the authority are not entitled to
1425 compensation for their services as members but shall be
1426 reimbursed by the authority for per diem and travel expenses as
1427 provided in s. 112.061 ~~and may not be reimbursed for travel~~
1428 ~~expenses~~. Except for the nonvoting youth member, each member may
1429 be compensated for any special or full-time service performed in
1430 the authority's behalf as officers or agents of the authority.

1431 Section 51. This act shall take effect July 1, 2012.